

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA	§	CRIMINAL CASE NO.
	§	
v.	§	1:16-cr-00237-RWS-JSA
	§	
JAMES G. MALONEY,	§	
	§	
Defendant.	§	

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**AFFIDAVIT OF ANTHONY C. LAKE**

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I, Anthony C. Lake, hereby give this Affidavit of Anthony C. Lake (Affidavit), and do solemnly swear that the following is true and correct to the best of my knowledge and belief:

1. I am competent to make this Affidavit.
2. I am counsel for the Defendant, James G. Maloney (Dr. Maloney), in this action.
3. As alleged in the Indictment, Dr. Maloney was a member of the faculty and a Project Director with the Georgia Tech Research Institute (GTRI), a nonprofit, applied research arm of the Georgia Institute of Technology (Georgia Tech).
4. Dr. Maloney has informed me that two potential witnesses in this case have died.

5. One potential witness, Marilyn Drain, was the grandmother of James Fraley, an alleged co-conspirator with Dr. Maloney referenced in the Indictment, and was the property manager for the real property referenced in the Indictment. *See* Dkt. # 1, ¶ 41. Ms. Drain passed away on or about November 21, 2019.

6. The second potential witness, John Meadors, was the Director of the Signature Technology Lab (STL) at GTRI. Upon information and belief, Mr. Meadors met with researchers for Spectra Research, Inc. (Spectra) and verbally approved GTRI employees consulting with Spectra on small business innovative research (SBIR), and small business set aside grants. Dr. Maloney's and Dr. Fraley's allegedly fraudulent consulting for Spectra constitutes one of the bases for the charges in the Indictment. *See* Dkt. # 1, ¶¶ 28-31. Mr. Meadors passed away on or about October 5, 2020.

7. Upon information and belief, another witness in this case has suffered a stroke and suffers from memory loss. Upon information and belief, a fourth witness is suffering from cancer.

8. Upon information and belief, one of Dr. Maloney's electronic mail accounts was not archived following the termination of Dr. Maloney's employment with GTRI and Georgia Tech.

Pursuant to 28 U.S.C. § 1746(b), I state under penalty of perjury that the foregoing is true and correct.

Executed on March 3, 2023.

GILLEN WITHERS & LAKE, LLC

/s/ Anthony C. Lake

Anthony C. Lake, Esq.

Georgia Bar No. 431149

Craig A. Gillen, Esq.

Georgia Bar No. 294838

400 Galleria Parkway

Suite 1920

Atlanta, Georgia 30339

Telephone: (404) 842-9700

Facsimile: (404) 842-9750

E-mail: [aclake@gwllawfirm.com](mailto:aclake@gwllawfirm.com)  
[cgillen@gwllawfirm.com](mailto:cgillen@gwllawfirm.com)

Counsel for Dr. James G. Maloney

**CERTIFICATION**

The undersigned certifies, pursuant to N.D.Ga.L.Civ.R. 7.1D, that the foregoing document has been prepared with one of the font and point selections (Book Antigua, 13 point) approved by the Court in N.D.Ga.L.Civ.R. 5.1B.

GILLEN WITHERS & LAKE, LLC

/s/ Anthony C. Lake\_\_\_\_\_

Anthony C. Lake, Esq.

Georgia Bar No. 431149

Counsel for Dr. James G. Maloney

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on this 3rd day of March, 2023, the undersigned served the foregoing document by filing the document via the Court's Case Management/Electronic Case Filing (CM/ECF) system, which will automatically serve notice of such filing on the following attorneys of record:

**John Russell Phillips, Esq.**  
**Assistant United States Attorney**  
**Stephen H. McClain, Esq.**  
**Assistant United States Attorney**  
**United States Attorney's Office for the Northern District of Georgia**  
600 Richard Russell Building  
75 Ted Turner Drive, S.W.  
Atlanta, Georgia 30303  
[stephen.mcclain@usdoj.gov](mailto:stephen.mcclain@usdoj.gov)  
[russell.phillips@usdoj.gov](mailto:russell.phillips@usdoj.gov)

**Emma Dinan Ellenrieder**  
**United States Department of Justice**  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
[emma.ellenrieder@usdoj.gov](mailto:emma.ellenrieder@usdoj.gov)

GILLEN WITHERS & LAKE, LLC

/s/ Anthony C. Lake

Anthony C. Lake, Esq.

Georgia Bar No. 431149

Craig A. Gillen, Esq.

Georgia Bar No. 294838

400 Galleria Parkway

Suite 1920

Atlanta, Georgia 30339

Telephone: (404) 842-9700

Facsimile: (404) 842-9750

E-mail: [cgillen@gwllawfirm.com](mailto:cgillen@gwllawfirm.com)

[aclake@gwllawfirm.com](mailto:aclake@gwllawfirm.com)

Counsel for Dr. James G. Maloney